

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

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In re:

Electronic Submission of Documents and  
Conversion to an Electronic Case  
Management System

No. 95-01

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**GENERAL ORDER**  
**FILED August 10, 2007**

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Before **TACHA**, Chief Judge, **KELLY, HENRY, BRISCOE, LUCERO, MURPHY, HARTZ, O'BRIEN, McCONNELL, TYMKOVICH, GORSUCH** and **HOLMES**, Circuit Judges.

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**Introduction**

On September 4, 2007, the court will convert to a new electronic case management system. This order defines the requirements for filing pleadings in the new system. At this stage, the conversion will not include direct attorney internet filing. The clerk's office will continue to docket pleadings. All counsel will be required, however, to submit all pleadings as attachments to emails to [esubmission@ca10.uscourts.gov](mailto:esubmission@ca10.uscourts.gov)

The only exceptions will be appendices (including those filed per 10th Circuit Rule 9.2(B)), supplemental appendices, and addenda filed under Federal Rule of Appellate Procedure 28(f). In counseled cases, exemptions to the requirements contained in this order will be allowed only upon motion and for good cause. Pro se parties who are able may also submit pleadings via e-mail. Those pleadings must meet technical requirements. In this order, all e-filers will be referred to as Digital Submitters.

### **General Requirements**

All pleadings submitted pursuant to this Order must be filed in Portable Document Format (PDF or Acrobat format, sometimes referred to as Native PDF). Native PDF files are generated from original word processing files and are text searchable. Except as delineated in this order, PDF images created by scanning documents will not be accepted. Digital Submitters should be aware there is a 45 megabyte limit per email (including all text, attachments etc.).

### **Pleadings Filed**

#### **A. Briefs**

Digital Submitters must furnish the full contents of briefs (from cover through conclusion) in digital form. Any attachment(s) to a brief available in digital form (native PDF) must be included with the brief in the same document (that is, if the attachments required under 10th Cir. R. 28.2 are in Native PDF they may be included with the brief in a single document and e-filed). Required attachments to briefs that are not available in Native PDF may be submitted in scanned PDF format. In that instance, however, the

attachments should be forwarded as a single, separate PDF document. If some of the attachments are available in Native PDF and some are not, all the attachments should be scanned as one document and attached separately in the e-submission. If a brief has PDF attachments the cover page must so state. The cover must also state whether the attachments are included in Native PDF or scanned PDF.

Within 2 business days of submitting the brief via e-filing, the Digital Submitter *must* also file an *original and 7 hard copies* of the brief with the clerk's office. Briefs may contain hyperlinks to cases and authorities.

**B. All other pleadings.**

Digital Submitters must submit all other pleadings via email as well. This includes all preliminary pleadings and materials, motions, notices, petitions for rehearing, cost bills and submissions per Federal Rule of Appellate Procedure 28j. The only materials which may not be submitted via email are appendices and addenda.

Documents attached to pleadings that are not available in Native PDF may be submitted in scanned PDF format. Those materials should be included in the esubmission as a single separate attachment. If the only attachments are in Native PDF they may be emailed as a single document with the pleading.

Within 2 business days of submitting a pleading under this section via e-filing, the Digital Submitter *must* also submit a *single hard copy* of the document to the clerk's office *unless* the pleading is a Petition For Rehearing or Petition For Rehearing En Banc. With panel petitions, the Digital Submitter must follow up by filing an *original and 3*

*hard copies* with the clerk's office within 2 business days. For en banc petitions, *an original and 18 hard copies* must be filed, also within 2 business days.

### **C. Appendices and Addenda**

Unlike other pleadings, Digital Submitters must file these materials in hard copy format (only) per Federal Rules of Appellate Procedure 10 and 30 and 10th Circuit Rules 10 and 30. The court will not accept appendix materials via esubmission (including appendices filed per 10th Cir. R. 9.2(B)). Filers must submit the *original hard copy* and *one additional copy* of these materials.

### **Privacy Protection and Redactions**

In the interest of privacy, Digital Submitters must redact pleadings and briefs consistent with the privacy policy of the Judicial Conference of the United States. *See* <http://www.privacy.uscourts.gov/b4amend.htm>. Required redactions include social security numbers and taxpayer identification numbers (filers may disclose the last four digits of a social security or tax identification number), birth dates (use year of birth only), minors' names (initials may be used), and financial-account numbers (except those identifying property allegedly subject to forfeiture in a forfeiture proceeding). It is the *sole responsibility* of the filer to redact pleadings appropriately.

### **Social Security and Immigration Appeals**

Pursuant to the privacy policy of the Judicial Conference and applicable statutory provisions, remote electronic access to immigration and social security dockets must be restricted. In this regard, the Clerk is directed to restrict electronic public access in these

cases to judges, court staff, and the parties and attorneys in the appeal or agency proceeding. The court will not restrict access to orders and opinions in these cases. Parties seeking to restrict access to Orders and Opinions must file a motion explaining why that relief is required in a given case.

### **Sealed Materials**

Sealed documents shall be filed only in hard copy paper format. Digital Submitters must file a *single hard copy* of all sealed pleadings and materials with the Clerk, with the exception of briefs. Digital Submitters must file an *original and 7 hard copies* of briefs submitted under seal. Motions to submit materials under seal shall also be filed in hard copy format. A *single hard copy* of the motion must be filed.

### **E-Submission of Materials**

All pleadings and briefs filed pursuant to this Order must be furnished to the Clerk via e-mail to [esubmission@ca10.uscourts.gov](mailto:esubmission@ca10.uscourts.gov). The subject line of the email must include the case name and docket number (including, where appropriate, all case numbers in consolidated or cross appeals). Counsel and pro se parties must include a signature block on all email submissions which includes the attorney or pro se party's name, address, telephone number and email address.

### **Digital Signatures and Certification**

#### **A. Digital Signatures**

All submissions requiring an attorney or pro se party's signature shall be signed in the following manner:

s/ Attorney or Pro Se Party  
Street Address  
Telephone Number  
Email address

#### **B. Certification of Digital Submissions**

In addition to the certificate of service required by the Federal Rules of Appellate Procedure and Tenth Circuit Rules, all Digital Submitters must certify that:

(1) all required privacy redactions have been made and, with the exception of those redactions, every document submitted in Digital Form or scanned PDF format is an exact copy of the written document filed with the Clerk, and;

(2) the digital submissions have been scanned for viruses with the most recent version of a commercial virus scanning program (naming the program, version, and the date of the most recent update) and, according to the program, are free of viruses.

#### **C. Service Requirements**

All Digital Submitters shall serve copies of the materials submitted to the court on all parties to the proceeding. Where email is available parties may serve pleadings and briefs through that method. All certificates of service must reflect that proper service was made and must delineate the method used. If a party receives an exemption from this order or is a pro se party who does not have email access, all service must be made via regular mail or commercial carrier. The court will serve parties exclusively via email where it has an email address for counsel or a pro se party. Where an email address is not available the court will serve counsel and pro se parties via regular mail.

The Court invites comment on these procedures and also invites parties to contact the office of the Clerk with questions.

ENTERED FOR THE COURT

ELISABETH A. SHUMAKER  
Clerk of Court